

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS Department of Agriculture and Commerce		CONTACT PERSON Jennifer Thompson	TELEPHONE NUMBER 601-359-1144	
ADDRESS P.O. Box 1609		CITY Jackson	STATE MS	ZIP 39215 -1609
EMAIL Jennifer@mdac.state.ms.us	SUBMIT DATE 10/18/11	Name or number of rule(s): MDAC Rules, Subpart 4, Ch. 8, Section 113 "B100 and Biodiesel /Petroleum Diesel Fuel Blends		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Terminology in the rule is being amended in order to be consistent with current industry terminology, which affects the labeling provisions contained herein.

Accordingly, those are also amended. Specifications for biodiesel products are required herein to meet current ASTM standards.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §75-55-3 (Rev. 2009)

List all rules repealed, amended, or suspended by the proposed rule: Section 113 of the Petroleum Products Inspection Rules

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Lester Spell, Jr., DVM Signature of person authorized

to file rules:

Lester Spell, Jr.

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	Accepted for filing by CB18140E	Accepted for filing by



DELBERT HOSEMAN
Secretary of State



CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME	CONTACT PERSON	TELEPHONE NUMBER
MS Department of Agriculture & Commerce	Jennifer B. Thompson	601.359.1144
ADDRESS	CITY	STATE
Post Office Box 1609	Jackson	Mississippi
EMAIL	DESCRIPTIVE TITLE OF PROPOSED RULE	ZIP
jennifer@mdac.state.ms.us	B100 and Biodiesel/Petroleum Diesel Fuel Blends, BBD100 and Biomass-Based Diesel/Petroleum Diesel Fuel Blends	39215-1609

Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. 75-55-3(1)

Reference to Rules repealed, amended or suspended by the Proposed Rule: Section 113 of the Rules Governing the Petroleum Products Inspection Law

A. Estimated Costs and Benefits

1. Briefly Summarize the benefits that may result from this regulation and who will benefit:

Allows consistent rules on a National level for Distributors placing product in multiple states.

2. Briefly describe the need for the proposed rule:

Current rules do not address the new alternative fuels that are becoming available on the market and being made available to the consumer, namely Biomass based fuels.

3. Estimated Cost of implementing proposed action (check option):

a. To the agency

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

b. To other state or local government entities

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

4. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

c. Cost:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated impact on small business:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

6. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule: ☒ substantially less than ☐ moderately less than ☐ minimally less than

☐ the same as ☐ minimally more than ☐ moderately more than

☐ substantially more than ☐ excessively more than

7. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule: substantially less than ☐ moderately less than ☐ minimally less than ☐ the same as ☐ minimally more than ☒ moderately more than ☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule? ☒ yes ☐ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule.

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.
- 40 CRF Part 79 and NCWM Handbook 44 and Handbook 130.

D. Public Notice

1. Where may someone obtain copies of the full text of the economic impact statement?

MS Department of Agriculture & Commerce
Jennifer B. Thompson
P O Box 1609
Jackson, MS 39215-1609

2. Where, when, and how may someone present their views on the proposed rule and demand an oral proceeding on the proposed rule if one is not already provided?

In writing to:
Jennifer B. Thompson
MS Department of Agriculture & Commerce
P O Box 1609, Jackson, MS 39215-1609

SIGNATURE

TITLE

John G. Davis

Commissioner

DATE
October 18, 2011

PROPOSED EFFECTIVE DATE OF RULE
December 21, 2011

